

Doc Code: AP.PRE.REQ

PTO/SB/33 (01-09)

Approved for use through 02/28/2009. OMB 0651-0031
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 007556.00001		
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	Application Number 10/585,095	Filed March 2, 2007		
	First Named Inventor Zhenfu Zhao			
	Art Unit 2144	Examiner Anwari Maceeh		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 42,084</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top; border-top: 1px solid black;"><p style="text-align: center;">Signature</p><p style="text-align: center;">H. Wayne Porter</p><hr/><p style="text-align: center;">Typed or printed name</p><p style="text-align: center;">202-824-3000</p><hr/><p style="text-align: center;">Telephone number</p><p style="text-align: center;">February 19, 2009</p><hr/><p style="text-align: center;">Date</p></td></tr></table> <p><small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</small></p>			<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 42,084</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p style="text-align: center;">Signature</p> <p style="text-align: center;">H. Wayne Porter</p> <hr/> <p style="text-align: center;">Typed or printed name</p> <p style="text-align: center;">202-824-3000</p> <hr/> <p style="text-align: center;">Telephone number</p> <p style="text-align: center;">February 19, 2009</p> <hr/> <p style="text-align: center;">Date</p>
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<p><input checked="" type="checkbox"/> *Total of 2 forms are submitted.</p>				

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Applicants submit that the pending claims are allowable for the reasons set forth in their Response filed December 19, 2008. For the convenience of the reviewers, remarks from the December 19 Response are reproduced below. Several additional comments follow.

From Applicants' December 19, 2009, Response

The Office action rejected claims 1-16 under 35 U.S.C. § 103 based on U.S. Patent 7,143,435 (Droms et al., hereinafter "Droms"), U.S. Patent 5,884,024 (Lim et al., hereinafter "Lim") and U.S. Patent Application Pub. No. 2003/0005047 (Seki et al., hereinafter "Seki"). Applicants respectfully traverse. Even if a person of ordinary skill would have had reason to combine teachings of Droms, Lim and Seki, which Applicants do not concede, the combination would not teach all features of the independent claims.

Claim 1 is directed to a method in which a DHCP relay is used to modify the protocol field in the DHCP messages so as to control the interaction between the DHCP server and the DHCP client. The Office action admits at page 3 that Droms and Lim fail to teach the following features of claim 1:

wherein modifying the one or more protocol fields includes:

upon receiving a DHCP message for request sent from the DHCP client to the DHCP server, filling in at least one field associated with the DHCP relay in the DHCP message for request, and

upon receiving a DHCP message for response sent from the DHCP server to the DHCP client, replacing at least one server parameter of a field associated with the DHCP server in the DHCP message for response with at least one relay parameter of the DHCP relay.

The Office action then asserts that these features are taught by Seki. However, the teachings of Seki do not relate to DHCP messages. Instead, Seki describes a data transfer method using a caching technique and/or a compression technique to reduce network load between data transfer devices. A server side proxy 30 replaces the reply data of a reply message received from a server 20 with a corresponding "fingerprint" registered in a fingerprint cache 34, and transfers the resulting reply message to the client side proxy 40. The purpose of the technique described in Seki is to reduce network load by transferring a fingerprint instead of

actual data; the fingerprint is replaced with the actual data at the client side proxy. No part of Seki suggests that the data replaced with a fingerprint is data within a DHCP message. Even if some part of a message in Droms or Lim was replaced with a fingerprint, there is nothing to suggest (and the Office has not explained why) the replaced portion would be a server parameter field associated with a DHCP server. Accordingly, Seki fails to teach “upon receiving a DHCP message for request sent from the DHCP client to the DHCP server, filling in at least one field associated with the DHCP relay in the DHCP message for request” and similarly fails to teach “upon receiving a DHCP message for response sent from the DHCP server to the DHCP client, replacing at least one server parameter of a field associated with the DHCP server in the DHCP message for response with at least one relay parameter of the DHCP relay.”

Moreover, a person of ordinary skill would not have had reason to combine teachings of Droms and Lim with teachings from Seki. As justification for the combination, the Office action asserts that “it would have been obvious ... to modify or incorporate Seki’s teachings of replacing data in messages from a server with Droms-Lim’s [sic] to provide for a more efficient messaging system.” The Office has not explained how such a combination would increase efficiency. For example, the Office has not explained how utilization of Seki’s method of replacing data with a “fingerprint” at one server and then replacing the fingerprint with the actual data at another server will make communications more efficient. If anything, it would seem that combination of Seki with Droms would *decrease* efficiency. For example, Droms describes a DHCP relay sending a RADIUS authentication result of an original physical port access request of a DHCP client’s host to a DHCP server for the authentication and address assignment process by means of DHCP information. The function of the DHCP relay is to carry the RADIUS authentication result message by forwarding the DHCP Message between the DHCP client and the DHCP server. It is not clear how replacing some portion of the forwarded DHCP Message with a “fingerprint” of the replaced portion would improve efficiency.

For at least the above reasons, claim 1 is allowable. Claims 2-8 depend from claim 1 and are thus allowable for the same reasons as claim 1, and because of additional recited features. For example, claims 4 recites “wherein for a DHCPDISCOVER or DHCPREQUEST message sent from the DHCP client to the DHCP server, the DHCP relay fills in the at least one field

associated with the DHCP relay with a value so that a DHCPOFFER, DHCPACK or DHCPNAK response from the DHCP server to the DHCP client can be sent to the DHCP relay.” The Office action asserts at page 6 that Lim teaches this feature at Figures 5 and 6 and in the Abstract. In Lim, the DHCP relay embeds a trusted identifier in the DHCPREQUEST message and the DHCP server controls the number of the IP addresses which could be allocated according to the trusted identifier. This is different from claim 4, which recites filling in a field value so as to cause certain specified messages to be sent to the DHCP relay. Lim does not indicate that the inclusion of a trusted identifier causes one of the message types recited by claim 4 to be sent to the DHCP relay. For example, it is not clear from Lim that omitting the trusted identifier would cause one of the specified messages to go somewhere other than a DHCP relay.

Independent claim 9 recites a DHCP relay configured to perform operations similar to steps recited in claim 1, and is thus allowable for the same reasons as claim 1. Claims 10-13 depend from claim 9 and are thus allowable for at least the same reasons as claim 9.

Independent claim 14 recites features similar to those discussed above in connection with claim 1, and is thus allowable for the same reasons as claim 1. Claims 15 and 16 depend from claim 9 and are thus allowable for at least the same reasons as claim 9.

Additional Comments

Page 3 of the September 19, 2008, final Office action contains the following admission:

However, **Droms-Lim** does not explicitly disclose wherein modifying the one or more protocol fields includes:
upon receiving a DHCP message for request sent from the DHCP client to the DHCP server, filling in at least one field associated with the DHCP relay in the DHCP message for request, and
upon receiving a DHCP message for response sent from the DHCP server to the DHCP client, replacing at least one server parameter of a field associated with the DHCP server in the DHCP message for response with at least one relay parameter of the DHCP relay.

The Advisory Action mailed January 22, 2009, includes the following comment:

In response to 2), the examiner respectfully disagrees. Droms-Lim-Seki discloses:
upon receiving a DHCP message for request sent from the DHCP client to
the DHCP server (Lim: Figure 7 [702]; receiving a DHCP request), filling in at least one field associated with the DHCP relay in the DHCP
message for request (Lim: Figures 2-9, and Abstract and Col. 5 lines 10-48; DHCPACK includes lease duration and other configuration
information that client requested further more the embedding of the trusted identifier is filling in at least one field associated with the DHCP
relay in the DHCP message for request. Encoding the options field with vendor specific information), and
upon receiving a DHCP message for response sent from the DHCP server
to the DHCP client, replacing at least one server parameter of a field associated with the DHCP server in the DHCP message for response
with at least one relay parameter of the DHCP relay (Lim: Figures 2-9; the sending of a DHCPACK with lease information and the
embedding of the trusted identifiers from the relay agent).

Notably, the above comment from the advisory action contains no cite to Seki in support of its assertion about what “Droms-Lim-Seki” purportedly discloses. Moreover, the assertion that “Lim: Figures 2-9; the sending of a DHCPACK with lease information and the embedding of the trusted identifiers from the relay agent” teaches the claim feature of “upon receiving a DHCP message for response sent from the DHCP server to the DHCP client, replacing at least one server parameter of a field associated with the DHCP server in the DHCP message for response with at least one relay parameter of the DHCP relay” is not correct. The cited portion of Lim seems to relate to extracting information from messages going from a client to a server, not replacing a parameter of a message going to a client from a server.

Applicants respectfully submit that the remaining comments in the Advisory Action similarly fail to rebut the arguments from Applicants’ December 19 Response.